

Dr. Marcus Kitchens

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**VIA ECF**

The Honorable John F. Murphy  
United States District Court  
Eastern District of Pennsylvania

601 Market Street, Rm. 3809  
Philadelphia, PA 19106

**Re: Kitchens v. National Board of Medical Examiners, No. 2:22-cv-03301**

Dear Judge Murphy:

I am reaching out to seek an update on the status of my case and the anticipated timeline for a full judgement. As it currently stands, both parties submitted their respective post-trial briefs, the last one having been filed on August 3, 2023. Not unlike the college admission process, due to programs filling their allotted spots and becoming more selective as time progresses, I am apprehensive that this delay may result in my application being overlooked or disadvantaged when compared to other candidates.

To provide perspective, if a judgment were to be awarded tomorrow, October 3, 2023, I would have to register, sit for the STEP 1 Exam, and wait approximately two-to-three weeks for the results. By the time I receive my results for STEP 1, it will be the first week of November, 2023. Following this same timeframe for STEP 2, it would be the first week of December, 2023. During this same time period, residency programs are actively considering and/or interviewing residency candidates for the 2024 Match program. It goes without saying that further delay in my application(s) and/or participation in the selection process puts me at a significant disadvantage.

Moreover, as the Match process has already begun, the window for residency program applications is further constrained. Per the National Resident Matching Program website, as of **September 15, 2023**, registration for the 2024 Match program opened; as of October 1, 2023, medical schools began uploading rising seniors. See <https://www.nrmp.org/match-calendars/main-residency-applicants/> (2024 Match schedule)(see Ex. A). To wit, I have been delayed two weeks in the application process with an indefinite continuation.

During the preliminary injunction hearing, the National Board of Medical Examiners' entire argument relied upon the importance of ongoing deadlines, beginning in September-October, that residents must meet during the Match process. So too, the Defendant NBME recognizes that time is of the essence, as programs are actively reviewing and interviewing candidates, and potentially extending offers.

While I appreciate the complexity of your workload and the timeliness of other cases you may be handling, I felt it necessary to reiterate the time sensitivity of the dates associated with residency applications and the Match program. An Order providing a ruling would not only alleviate my concerns but also enable me to fully participate in the current application cycle.

I thank you in advance for your understanding and attention to this matter.

Respectfully submitted,

/s/ Dr. Marcus Kitchens Jr.  
Dr. Marcus Kitchens Jr.

Cc: Caroline Mew (via email and ECF)  
Jared Bayer (via email and ECF)